

107TH CONGRESS
2D SESSION

H. R. 5060

To provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2002

Mr. THOMPSON of California (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BOSWELL, Mr. BOYD, Mrs. DAVIS of California, Mr. FARR of California, Mr. FILNER, Mr. HOLDEN, Mr. HUNTER, Mr. ISRAEL, Mr. JOHN, Mr. BERRY, Mr. MATHESON, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MURTHA, Ms. PELOSI, Mr. POMBO, Mr. SANDLIN, Mr. SCHIFF, Mr. SHERMAN, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. TURNER, Ms. WATSON of California, Mr. CRAMER, Mr. CHAMBLISS, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Right-To-
5 Know Act of 2002”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Project SHAD” means a series
9 of tests, known as the Shipboard Hazard and De-
10 fense Project, conducted by the Department of De-
11 fense between approximately 1962 and 1970 that
12 were intended to evaluate the effectiveness of ship-
13 board detection and protective procedures against
14 chemical warfare agents and biological warfare
15 agents.

16 (2) The term “Project 112” means a series of
17 tests conducted by the Department of Defense pri-
18 marily during the 1960s in and around Alaska using
19 chemical and biological agents.

20 **SEC. 3. IDENTIFICATION OF PROJECTS.**

21 (a) IDENTIFICATION.—The Secretary of Defense
22 shall identify each developmental or operational test of the
23 Department of Defense (or a contractor of the Depart-
24 ment of Defense) involving chemical or biological weapons,
25 or defense against such weapons, in which members of the

1 Armed Forces or civilians were or may have been exposed
2 to actual or simulated hazardous agents, whether with or
3 without their knowledge or consent. The Secretary shall
4 identify such tests based on a thorough review of the
5 records of the Department, including classified and un-
6 classified records.

7 (b) REPORT.—Not later than 270 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to Congress a report on the actions of the
10 Secretary under subsection (a). The report shall include,
11 with respect to each test identified pursuant to subsection
12 (a), the following:

13 (1) A description of the test, including the test
14 name, the date and location of the test, the test ob-
15 jective, and identification of each biological or chem-
16 ical agent involved and the name of any solvent used
17 to clean up after the test.

18 (2) The number of members of the Armed
19 Forces, and the number of persons who were not
20 members of the Armed Forces, who may have been
21 affected by the test.

22 (3) Identification of any vessels or other major
23 equipment involved in the test.

1 **SEC. 4. OVERSIGHT WORKING GROUP ON BIOLOGICAL AND**
2 **CHEMICAL TESTING.**

3 (a) ESTABLISHMENT OF OVERSIGHT GROUP.—

4 (1) IN GENERAL.—The Comptroller General
5 shall establish within the General Accounting Office
6 an Oversight Working Group on Biological and
7 Chemical Testing. The Oversight Working Group
8 shall work to review activities of the Department of
9 Defense being carried out to investigate all chemical
10 and biological tests conducted by the Department
11 that involved, or may have exposed, members of the
12 Armed Forces or civilians.

13 (2) TIME FOR ESTABLISHMENT.—The Over-
14 sight Working Group shall be established by the
15 Comptroller General not later than 30 days after the
16 date of the enactment of this Act.

17 (3) COMMENCEMENT OF ACTIVITIES.—The
18 Oversight Working Group shall begin their review of
19 Department of Defense materials immediately upon
20 being established.

21 (b) REPORT ON PROJECT SHAD (AND PROJECT
22 112).—Not later than six months after the date of the
23 enactment of this Act, the Oversight Working Group shall
24 submit to Congress a report providing information con-
25 cerning Project SHAD and Project 112. The report shall
26 include the following:

1 (1) A description of efforts underway within the
2 Department of Defense to identify tests that were
3 conducted as part of Project SHAD and to declass-
4 sify information concerning such tests.

5 (2) A description of each test identified under
6 section 3(a), including the test name, test objective,
7 chemical or biological agents involved, solvents in-
8 volved, and number of members of the Armed
9 Forces, and the number of civilians potentially af-
10 fected by such test.

11 (3) A description of the plans of the Secretary
12 of Defense for the release of information on each
13 test so identified.

14 (4) A description of the actions the Secretary of
15 Defense proposes to undertake with the Secretary of
16 Veterans Affairs in order to notify former members
17 of the Armed Forces potentially affected by each
18 test so identified of their participation in the test.

19 (5) A description of the actions the Secretary
20 proposes to undertake in order to notify persons
21 other than former members of the Armed Forces
22 who were potentially affected by each test so identi-
23 fied of their participation in such test.

1 (6) Information, to the extent feasible, on tests
2 conducted as part of Project SHAD for which infor-
3 mation has not been declassified.

4 (7) An evaluation of the effectiveness of efforts
5 described under paragraph (1) and any rec-
6 ommendations for improvement in future investiga-
7 tion efforts.

8 (c) CONTINUING FUNCTIONS.—Upon completion of
9 the report under subsection (b), the Oversight Working
10 Group shall continue to review Department of Defense in-
11 vestigations of any other cases of chemical or biological
12 testing by the Department of Defense in which members
13 of the Armed Forces or civilians may have been exposed
14 to chemical or biological agents with or without their
15 knowledge or consent.

16 (d) INFORMATION AND HISTORICAL KNOWLEDGE OF
17 KEY VETERANS AND VETERAN SERVICE ORGANIZA-
18 TIONS.—The Oversight Working Group shall seek to iden-
19 tify veterans and veterans services organizations with sig-
20 nificant information involving test projects such as Project
21 SHAD and Project 112 and shall seek to have such infor-
22 mation made available to the Secretary of Defense and
23 the Secretary of Veterans Affairs. If feasible, such infor-
24 mation shall be included in reports of the Oversight Work-
25 ing Group.

1 (e) ANNUAL REPORT TO CONGRESS.—The Oversight
2 Working Group shall submit an annual report to Con-
3 gress. Each such report shall include the following:

4 (1) Information on the activities of the Over-
5 sight Working Group during the year covered by the
6 report.

7 (2) With respect to any tests identified since
8 the previous report under this section that were con-
9 ducted as part of any testing of chemical or biologi-
10 cal agents by the Department of Defense in which
11 members of the Armed Forces or civilians may have
12 been exposed to chemical or biological agents with-
13 out their knowledge or consent, information in the
14 same manner as provided for under subsection (c).

15 (3) Information on costs associated with the
16 work of the Oversight Working Group during the
17 year covered by the report.

18 (f) ACCESS TO DECLASSIFIED INFORMATION.—As
19 Department of Defense information relating to tests of re-
20 ferred to in section 3(a) is declassified, the Secretary of
21 Defense shall ensure that such information is immediately
22 provided to the Oversight Working Group.

1 **SEC. 5. FUNCTIONS OF DEPARTMENT OF VETERANS AF-**
2 **FAIRS.**

3 (a) NOTIFICATION OF VETERANS.—The Secretary of
4 Veterans Affairs shall notify in writing each veteran who
5 is determined to have been involved in any of the tests
6 conducted as part of any testing of chemical or biological
7 agents by the Department of Defense in which members
8 of the Armed Forces may have been exposed to chemical
9 or biological agents without their knowledge or consent,
10 including testing conducted as part of Project SHAD.
11 Such notification shall include detailed information as to
12 the veteran's participation in such testing and of the vet-
13 eran's possible exposure to chemical or biological agents
14 or solvents as a result of such testing, including when and
15 where the testing was conducted and what type of chem-
16 ical or biological agents or solvents were used in the test-
17 ing. Such notification shall also include instructions on
18 how to receive a health care evaluation from the Depart-
19 ment of Veterans Affairs.

20 (b) EVALUATION OF ADDITIONAL INFORMATION.—
21 As additional information becomes available concerning
22 Project SHAD or any other testing of chemical or biologi-
23 cal agents by the Department of Defense in which mem-
24 bers of the Armed Forces or civilians may have been ex-
25 posed to chemical or biological agents without their knowl-
26 edge or consent, the Secretary of Veterans Affairs, work-

1 ing in conjunction with the Director of the Institute of
2 Medicine of the National Academy of Sciences, shall act
3 expeditiously to review declassified material to determine
4 any lasting health effects that may have been incurred by
5 veterans as a result of such exposure. Any such health
6 effects information shall be made available to the public
7 and to Members of Congress upon request and to any vet-
8 eran who may have incurred such health effects and shall
9 be made available through the public internet world-wide-
10 web site of the Department of Veterans Affairs.

11 (c) NOTIFICATION TO AFFECTED VETERANS.—When
12 health effects due to exposures referred to in subsection
13 (b) are identified, the Secretary of Veterans Affairs shall
14 notify by mail any veteran who, based upon the informa-
15 tion available to the Secretary, may have been subject to
16 such exposure. Such notification shall include notice of the
17 possible exposure of the veteran, a description of the po-
18 tential health effects of such exposure, and instructions
19 on how to receive a health care evaluation from the De-
20 partment of Veterans Affairs.

21 (d) CLINICAL EVALUATION.—The Institute of Medi-
22 cine shall undertake an overall clinical evaluation of all
23 chemical and biological testing conducted by the Depart-
24 ment of Defense to determine a history of how veterans'

1 health status may have been affected by such tests and
2 any other information acquired as a result of those tests.

3 **SEC. 6. EXPEDITED PROCESSING OF FOIA REQUESTS.**

4 (a) EXPEDITED PROCESSING.—For purposes of expe-
5 dited processing under section 552(a)(6)(E) of title 5,
6 United States Code, any covered requester of a record re-
7 lating to any testing, including Project SHAD, of chemical
8 or biological agents by the Department of Defense in
9 which members of the Armed Forces or civilians may have
10 been exposed to chemical or biological agents without their
11 knowledge or consent shall be deemed to have dem-
12 onstrated a compelling need for such record.

13 (b) COVERED REQUESTERS.—For purposes of this
14 section, the term “covered requester” means any Member
15 of Congress and any person acting on behalf of a veterans’
16 service organization.

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